[No. 61]

(HB 4466)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13 of chapter XVII (MCL 777.13), as added by 1998 PA 317.

The People of the State of Michigan enact:

CHAPTER XVII

777.13 Chapters 300 to 399 of Michigan Compiled Laws; felonies to which chapter applicable. [M.S.A. 28.1274(23)]

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(3)	Property	Н	State owned property— damages of \$1,000 or more	180 days
324.3115(2)	Pub saf	Н	Waste discharge violations— second offense	2
324.5531(4)	Pub saf	Н	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants— causing death or serious	
			bodily injury	6
324.5531(6)	Pub saf	С	Knowingly releasing pollutants— resulting in death or serious	
			bodily injury	15

M.C.L.	Category	Class	Description S	Stat Max
324.8905(2)	Pub saf	Н	Infectious waste/pathological waste/sharps—littering violation	2
324.8905(3)	Pub saf	G	Infectious waste/pathological waste/sharps—littering violation– second offense	- 5
324.11151(2)	Pub saf	Н	Hazardous waste violations— second or subsequent offense	2
324.11151(3)	Pub saf	Н	Hazardous waste violation—with disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation—with extreme indifference for human life	5
324.12116(2)	Pub saf	Н	Waste—false statement or entry in a license application	2
324.20139(3)	Pub saf	Н	Hazardous waste—knowingly releases or causes the release	2
324.21324(1)	Pub saf	G	Underground storage tanks—false or misleading information	5
324.21548(1)	Pub trst	Н	False statement, report, claim, bid, work invoice, or other	_
324.30316(3)	Pub saf	Н	request for payment NREPA violation—subsequent	5
324.31525	Person	G	offense NREPA—imminent danger of death or serious injury—	2
324.33939(1)	Pub trst	Н	subsequent offense NREPA violation for commercial	2
324.40118(11)	Pub ord	G	purposes Wildlife conservation—buying selling protected animals—	2
324.51120(2)	Property	Н	subsequent offense Removing forest products over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(4)	Pub trst	G	Recovering abandoned property in Great Lakes without permit	2
324.80130d(1)	Pub ord	Н	False representation to obtain personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain personal information— second offense	7
324.80130d(3)	Pub ord	С	False representation to obtain personal information—third	
324.80172	Person	G	or subsequent offense Negligent crippling or homicide	15
324.80173	Person	G	by vessel Felonious operation of a vessel	2 2

M.C.L.	Category	Class	Description	Stat Max
324.80176(4)	Person	C	Operating a vessel under the influence causing death	15
324.80176(5)	Person	Е	Operating a vessel under the influence causing long-term incapacitating injury	5
324.80177(1)(c)	Pub saf	Е	Operating a vessel under the influence—third or subsequent offense	5
324.80319a(1)	Pub ord	Н	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information—second offense	
324.80319a(3)	Pub ord	C	False representation to obtain personal information—third	7
324.81120(1)	Pub ord	Н	or subsequent offense False representation to obtain	15
324.81120(2)	Pub ord	G	personal information False representation to obtain personal information—second offense	4 7
324.81120(3)	Pub ord	C	False representation to obtain personal information—third or subsequent offense	15
324.81134(6)	Pub saf	E	Operating an ORV under the influence—third offense	4
324.82127(4)	Person	C	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	E	Operating a snowmobile under the influence causing long-term incapacitating injury	5
324.82128(1)(c)	Pub saf	E	Operating a snowmobile under the influence—third offense	5
324.82160(1)	Pub ord	Н	False representation to obtain personal information	4
324.82160(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.82160(3)	Pub ord	C	False representation to obtain personal information—third	
328.232	Property	Е	or subsequent offense Conversion of funeral contracts	15 5
333.2685	Person	E	Use of a live human embryo, fetus	
			for nontherapeutic research	5
333.2688	Person	E	Research on dead embryo or fetus without mother's consent	5
333.2689	Person	E	Abortion to obtain embryo	5
333.2690	Person	E	Sale or delivery of fetus or embryo	5
333.2835(9)	Pub trst	G	Disclosing confidential informa- tion—abortion	3

M.C.L.	Category	Class	Description	Stat Max
333.5210	Person	F	AIDS—sexual penetration with	
000 7004		_	uninformed partner	4
333.5661	Person	F	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture or	0
222 7401(2)	CS	Α	imitation controlled substance	2
333.7401(2) (a)(<i>i</i>)	CS	А	Delivery or manufacture of >649 grams by juvenile	Life
333.7401(2)	CS	В	Delivery or manufacture of	Life
(a)(<i>iii</i>)	CD	D	50-224 grams	20
333.7401(2)	CS	D	Delivery or manufacture of <50	
(a)(<i>iv</i>)			grams	20
333.7401(2)(b)	CS	E	Delivery or manufacture schedule	
			1/2/3 except marijuana	7
333.7401(2)(c)	CS	F	Delivery or manufacture schedule 4	4
333.7401(2)	CS	C	Delivery or manufacture >45 kilos	
(d)(<i>i</i>)	aa	-	of marijuana	15
333.7401(2)	CS	D	Delivery or manufacture of 5-45	~
(d)(<i>ii</i>)	CC	E	kilos of marijuana	7
333.7401(2)	CS	F	Delivery or manufacture <5 kilos or 20 plants of marijuana	4
(d)(<i>iii</i>) 333.7401(2)(e)	CS	G	Delivery or manufacture schedule 5	
333.7401(2)(f)	CS	D	Delivery or manufacture of an	~
000.7 101(2)(1)	CB	D	official or counterfeit prescrip-	
			tion form	20
333.7401(2)(g)	CS	D	Delivery or manufacture prescrip-	
			tion or counterfeit form (other	
			than official)	7
333.7402(2)(a)	CS	D	Delivery or manufacture of an	
			imitation controlled substance	10
333.7402(2)(b)	CS	E	Delivery or manufacture imitation	
			controlled substance schedule	-
222 7402(2)(2)	CC	F	1/2/3	5
333.7402(2)(c)	CS	Г	Delivery or manufacture imitation controlled substance schedule 4	4
333.7402(2)(d)	CS	G	Delivery or manufacture imitation	4
333.7 40£(£)(α)	CD	u	controlled substance schedule 5	2
333.7402(2)(e)	CS	С	Delivery or manufacture analogue	15
333.7403(2)(a)(<i>i</i>)		A	Possession >649 grams by juvenile	Life
333.7403(2)	CS	В	Possession 50-224 grams	20
(a)(<i>iii</i>)			<u> </u>	
333.7403(2)	CS	G	Possession of 25-49 grams	4
(a)(iv)				
333.7403(2)	CS	G	Possession of <25 grams	4
(a)(<i>v</i>)	aa		D	
333.7403(2)(b)	CS	G	Possession certain schedule 1/2/	0
222 7402(2)(2)	CS	П	3/4 or analogue	2
333.7403(2)(e)	CS	Н	Possession of official prescription form	1
333.7405(a)	CS	G	Controlled substance violations	1
ουσ. 1 πυσ (α)		u	by licensee	2
			by necibee	~

M.C.L.	Category	Class	Description S	tat Max
333.7405(b)	CS	G	Manufacturing or distribution	
			violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	G	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations	,
000 7407(1)(1)	CC	C	by licensee	4
333.7407(1)(b)	CS	G	Use of fictitious, revoked, or	4
999 7407(1)(a)	CS	G	suspended license number Obtaining controlled substance	4
333.7407(1)(c)	CS	G	by fraud	4
333.7407(1)(d)	CS	G	False reports under controlled	1
000.7 107 (1) (u)	CB	ď	substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting	•
		-	implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining prescrip-	
			tion information	4
333.7407(1)(g)	CS	F	Possession of counterfeit pre-	
			scription form	4
333.7407(2)	CS	G	Refusing to furnish records	
			under controlled substance article	4
333.10204(1)	Pub ord	F	Transferring a human organ for	
		_	valuable consideration	4
333.10204(4)	Pub saf	F	Removal of a human organ by an	
000 10005	Dl C	E	unauthorized individual	4
333.10205	Pub saf	F	Removal of a human organ in an unapproved facility	4
333.13738(2)	Pub saf	F	Waste disposal violations—	4
333.13736(<i>L</i>)	i ub sai	I.	second offense	5
333.13738(3)	Pub saf	F	Disposing of waste—indifference	Ū
000.10700(0)	i ub sui	•	to human life	2
333.13738(3)	Pub saf	В	Disposing of waste—extreme	
			indifference to human life	20
333.16170(3)	Pub trst	F	False representation—health	
			professional recovery program	4
333.16294	Pub saf	F	Health profession—unauthorized	
			practice	4
333.17766a(2)(a) CS	F	Possession of steroids—second	
000 17700 (0)	O.O.	-	offense	4
333.17766a(3)	CS	E	Delivery or manufacture of steroids	7
333.17766a(4)	CS CS	G G	Delivery of imitation steroids	7 2
333.17766c(2) 333.20142(5)	Pub trst	F	Possession >10 grams ephedrine False statement—application	۵
000.20142(0)	ı un tist	1	licensure health facility	4
333.21792	Pub trst	G	Nursing homes—referral fees/	-
· · · · · · · · · · · · · · · · · ·		-	bribing officials/accepting bribes	4
388.936	Pub trst	F	Knowingly making false state-	
			ment—school district loans	4
388.962	Pub trst	F	Knowingly making false state-	
			ment—school district loans	4

Effective date.

Enacting section 1. This amendatory act takes effect September 1, 1999.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 381.
- (b) House Bill No. 4025.

This act is ordered to take immediate effect.

Approved June 17, 1999.

Filed with Secretary of State June 17, 1999.

Compiler's note: Senate Bill No. 381, referred to in enacting section 2, was filed with the Secretary of State June 17, 1999, and became P.A. 1999, No. 62, Eff. Sept. 1, 1999.

House Bill No. 4025, also referred to in enacting section 2, was filed with the Secretary of State June 17, 1999, and became P.A.

1999, No. 60, Eff. Sept. 1, 1999.